



January 13, 2014

Marlene H. Dortch, Commission Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-B204
Washington, DC 20554

Re: In the Matter of Rates for Interstate Inmate Calling Services, WC Docket No. 12-375, Further Notice of Proposed Rulemaking, "Inmate Calling Services for the Deaf and Hard of Hearing"

Dear Commissioners:

Helping Educate to Advance the Rights of the Deaf ("HEARD")¹ hereby submits reply comments responding to the Commission's request for information about rates for and access to Inmate Calling Service ("ICS") for deaf and disabled prisoners.²

In addition to supplying the Commission with Purple Communications, Inc.'s *White Paper on Video and Text Relay Services for Deaf Inmates in Prisons and Jails* which HEARD referenced in its December 20, 2014, comment; HEARD submits the comments of yet more prisoners from across the nation.³ The Commission should note the following themes in these and previously submitted letters:

- Deaf and hard of hearing individuals are prime targets for abuse (especially at "lights out"), and often need access to attorneys and

¹ HEARD is an all-volunteer nonprofit organization that advocates on behalf of deaf and deaf-blind defendants and prisoners across the nation. HEARD created and maintains the only national database of deaf and deaf-blind prisoners. See HEARD's Public Comments in WC Docket No. 12-375 for more information: HEARD Public Comments Re Rates for and Access to Interstate Calling Services for Prisoners with Disabilities, March 25, 2013; HEARD Deaf Prisoner Comments on Rates for and Access to Interstate Calling Services for Prisoners with Disabilities, March 25, 2013; HEARD Public Comments on the Commission's Further Notice of Proposed Rulemaking Re Inmate Calling Services for Prisoners with Disabilities, December 20, 2014; HEARD Community Sign-On Letter on the Commission's Further Notice of Proposed Rulemaking Re Inmate Calling Services for Prisoners with Disabilities, December 20, 2014.

² *In the Matter of Rates for Interstate Calling Services*, WC Docket No. 12-375, Further Notice of Proposed Rulemaking.

³ HEARD submitted comments from 19 prisoners representing 18 different facilities on March 25, 2013, and provided quotes from more than thirty as an attachment to HEARD's comment, also filed on March 25, 2013.

advocates for legal services and support, and to help facilitate communication with correctional officers and staff who largely have no ability to communicate with prisoners who use sign.

- Deaf prisoners who have been sexually assaulted cannot dial the toll-free Rape hotlines that hearing prisoners can access 24 hours per day.
- Deaf prisoners who have been physically assaulted or abused in other ways cannot dial the toll-free prison abuse hotlines that hearing prisoners can access 24 hours per day.
- Deaf and hearing prisoners with deaf family members almost never can contact their family because, on the whole, the Deaf Community has long-since abandoned TTY technology for more accessible telecommunication that allows for effective communication in our native sign languages.⁴
- Deaf prisoners with hearing family members almost never can contact their family members because many of them only speak sign language; or because of blocked relay numbers and the unavailability or inaccessibility of TTY equipment or relay services.
- Deaf prisoners with Spanish-speaking family members can almost never contact their family because Spanish relay numbers are blocked or because their family knows sign language or limited, but does not speak English.
- Deaf prisoners who do have access to working TTY equipment have very limited access to use of the same. One prisoner writes:

The only machine available to me is in the CO III office in my building. But the problem is that I can only use it Monday through Friday from 9am to 10am or from 2pm to 3pm. Also I am only allowed to use it once every 7 days. This makes it almost impossible because I also have a job in here. This is very troublesome and only affects me because every other prisoners can use the phones on the yard from 8am-10pm, from 12pm-3pm, and from 6pm to 7:30pm Monday through Sunday . . . I would like to be able to speak to my loved ones and receive the same treatment and privileges as other inmates.

- Deaf prisoners rely on family, advocates and attorneys more so than hearing prisoners because deaf prisoners generally have no access to TTY equipment, interpreters, flash lights, visual signals related to important

⁴ We remind the Commission that pursuant to the Commission's own regulations related to "double billing," TTYs and videophones are not compatible.

information at their facilities, access to medical or mental health services, access to mandatory classes, etc.

I end on a positive note, however. The Wisconsin Department of Corrections recently installed videophones in one facility that houses deaf and hard of hearing men, and our final attachment is from men housed at that facility. The author and the prisoner-signatories of this letter write to advocate for prisoners at other facilities to receive the same access to communication that they now have as a result of the February 2013 installation of a videophone at their facility. Note the change in tone from the previous letters. In part, the author states, "Since all deaf inmates in this institution used V.P. is better than TTY, and more comfortable to communication better now, than hard to express while on TTY!" He goes on to explain how the videophone is set up and the process for using the videophone at his facility in hopes of informing other departments of corrections on how they might be able to establish a similar system.

Again, HEARD is honored to deliver these comments from a population that, for decades, has gone unheard, abused and disregarded in our nation's prisons. We trust that these letters will guide the Commission as it ensures that *all* prisoners have accessible and affordable contact with loved ones, advocates, and attorneys.

Respectfully Submitted,

/s/

Talila A. Lewis, Founder & President

To whom it may concern,

My name is [REDACTED]. I received a letter from you and I thank you for reaching out to me. I am incarcerated in Arizona State Prison Complex. There are some issues and difficulties that I am facing as a result of my condition. The counselors here have T.T.Y. machines but they don't allow me to use them often. They make excuses and I often have to wait several days before I am allowed to use the machine to call my family. The education department is another problem. It is mandatory that I take certain classes but there are no people who can help me in sign language. Because there is no adequate help it's almost impossible for me to complete my required classes. And I cannot get certain privileges until I complete the classes; including a good paying job.

These are a few challenges I have faced on top of officers not understanding me for lack of interpreters.

Anything you could help me with is greatly appreciated.

I would also like to meet with someone from your foundation to better explain my situation. Can you arrange a meeting with me at your earliest convenience?

Thank you.

P.S. I last received a letter from one of your volunteers named Mike.

Thanks.

To whom it may concern,

My name is [REDACTED] I am writing you to let you know about some of the problems I am encountering here in prison. One of the biggest problems is trying to use the T.T.V. machine. The only machine available to me is in the CO III office in my building. But the problem is that I can only use it Monday through Friday from 9am to 11am OR from 2pm to 3pm. Also, I am only allowed to use it once every 7 days. This makes it almost impossible because I also have a job in here. This is very troublesome and only affects me because every other prisoners can use the phones on the yard from 8am - 10pm, from 12pm - 3pm, AND from 6pm to 7:30pm MONDAY through SUNDAY.

Can you please help me with this issue? I would like to be able to speak to my loved ones and receive the same treatment and privileges as other inmates. Also, the machine T.T.V. here is extremely old and my parents speak spanish only. Since I can only type in English this becomes a problem. Getting a screen to be able to communicate visually would greatly help me communicate with my loved ones

Thank you

Sincerely,

[REDACTED]

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Date: Dec 06, 2013

DC# [REDACTED]

To: "Complaint issues abuse our right basic"

Marion Correctional Institution
P.O. Box 158
Lowell, Florida 32663-0158

To: Whom this may concerns,

In reference to the above and prior action to write this matter against "Marion Correctional Institution" seven deaf inmates still complaint abuse issues into this Marion facility. DC# [REDACTED]

[REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. We are still feels very wrongfully unequal into this facility. We still denied not about to work as deaf inmates wish not treat deaf as a child. We still fight for our basic right at Marion facility. I want you to aware, the tty phone is still not work through to call rape - 1-866-274-8477 to report the issues. We feels very wrongfully and feels unsafe not being able to use the toll free relay "711" to reach all family member. Also being denied to bring a certain sign language interpreter while in meeting to explain all deaf inmates. Marion prison's policy rule etc. Case management failed follow all deaf inmates period and one deaf inmate was rape in the past that was too late not able to report toll free rape stop 1-866-274-8477 the relay can't forward to call stop rape, because warden block all deaf inmates not want to report abuse issues. This is very seriously matter, please we all need your help to solve this matter very asap before more end up issues by deaf inmates. And been ignore request need a video phone. I learn [REDACTED] been fight into this Marion facility. I, [REDACTED] sent a request to warden about deaf's very concerns this matter. All deaf inmates are disabilities can't speak or hearing impaired to able to communication with family by video phone. The Marion facility has wrongfully denied to right to talk their family, plus warden and the Tallahassee had violated code not have tty phone for rape stop 1-866-274-8477 to report issues. We feels our right is violated, we all want to

at Marion Facility and work release. Still be turn down because we are deaf, No C.C., No LightFlash, no sign list, no tty. Please help us this is getting worse, we feels no one is really care of this matter. Thank You for your time.

CERTIFICATE OF SERVICE

I, [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED], do hereby certify that a true and correct copy of the foregoing has been served to the parties list below:

Marion Correctional Institution
Execute this 13 day of Dec 2013

[REDACTED]

INMATE REQUEST

STATE OF FLORIDA DEPARTMENT OF CORRECTIONS

Mail Number: _____
Team Number: [REDACTED]
Institution: MCT

TO:
(Check One)

☒ Warden
☒ Asst. Warden AOA
CORRECTION

☐ Classification
☐ Security

☐ Medical
☐ Mental Health

☐ Dental
☐ Other

FROM:	Inmate Name [REDACTED]	DC Number [REDACTED]	Quarters [REDACTED]	Job Assignment [REDACTED]	Date <u>11/14/13</u>
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REQUEST

Check here if this is an informal grievance ☒

TO Assit warden A.D.A. correction! (ONLY) I wanna you aware. I feels this prisoners are often denied access to use TDD/TTY calls. I had a basic rights to used TTY/TDD and Video Phone. I Feels I have a ground right to use phone Landline through the TDD/TTY "711" TOLL call. TDD/TTY still not work though my pins number to TDD/TTY systems. I got a low letters from ADA. Attorney in Washington, DC 20038. Statement is saying on the letter. I have a right to use the TDD/TTY Free Tolls #711. The prison dont have to pay any 1 pennys. all prison have a policy to allow all deaf Inmate to use 1 hrs 30mins daily. I Feels no one is not repond me back (no help) this matters. I would like to return "State of Florida department of accommodation Request Form. per the next ~~step~~ Step Level actions.

All requests will be handled in one of the following ways: 1) Written Information or 2) Personal Interview. All informal grievances will be responded to in writing.

DO NOT WRITE BELOW THIS LINE

RESPONSE

DATE RECEIVED: 11-15-13

Use up length of time allotted for my calls. Not been reviewed and adjust with the assistance of someone. In addition all calls on the TTY are written through Florida Relay by someone.

[The following pertains to informal grievances only:

Based on the above information, your grievance is

(Returned, Denied, or Approved). If your informal grievance is denied,

you have the right to submit

chapter 33-103.006, F.A.C.]

Official (Signature): [REDACTED]

Date: 12/9/13

Original: Inmate (plus one copy)

CC: Retained by official responding or if the response is to an informal grievance then forward to be placed in inmate's file

This form is also used to file informal grievances in accordance with Rule 33-103.005, Florida Administrative Code.

Informal Grievances and Inmate Requests will be responded to within 10 days, following receipt by the appropriate person.

You may obtain further administrative review of your complaint by obtaining form DC1-303, Request for Administrative Remedy or Appeal, completing the form as required by Rule 33-103.006, F.A.C., attaching a copy of your informal grievance and response, and forwarding your complaint to the warden or assistant warden no later than 15 days after the grievance is responded to. If the 15th day falls on a weekend or holiday, the due date shall be the next regular work day.

DC6-236 (Effective 6/12)

Incorporated by Reference in Rule 33-103.005, F.A.C.

December 02, 2013

~~Oct 20, 2013~~

4600 Fulton Mill Road
Macon, Georgia 31208

Dear Talia Lewis,

my name is [REDACTED]. I am also deaf person. I am currently at the Central State Prison in Macon, Georgia. I am writing this letter to you about this Central State Prison is continually violating our Constitutional Rights and Americans with Disabilities Act laws and Federal Communication Commission for not proper accommodation to get provide an interpreter American Sign Language with Certified, Videophone via, Auxiliary aide, and Program.

I want you to know about other where I was in Hall County Jail at Gainesville, Georgia from June 2nd, 2012 - June 19, 2013. They have no provide for my meet needs over 10 months for T.I.F. or Videophone via or even interpreter at all. I stood up and fought for my Civil Rights. They were keeping continually to Blatant abuses, and discrimination, and ignored me. But good news the Georgia Council for the Hearing Impaired Inc for Deaf Advocacy Services for the Deaf. my Advocate Specialist named [REDACTED]. She is doing Exall. job. finally, She did Spoken with Hall County Sheriff Office of Sgt. She

Explored about ADA issues and Videophones via
and interpreter as well. Hall County Sheriff
Office made a decision and wanted to follow
ADA and asked for help. Guess what?? They
Ordered Sorenson videophones for installtion.
They installed the new videophones via in last
April 10, 2013. I finally use the videophone via.
I called my buyers, family, and friends, and
Deaf ~~advice~~ Services as well. It is Successful.
The GAINESVILLE TIMES (newspaper) came to
Hall County Sheriff Office for interview with me
about new Technology with Videophone via.
When I received the Article from Gainesville
Times. The Statement is not correct!! It use
huge mistake!! They need to make correct
the Statement!! but they did not get an
interpreter for me to see Doctors or programs at
all. my point is that in the State of Georgia
finally got videophones via in jail from Hall
County Jail by me and Georgia Council for a
Hearing Impaired Inc.

I am asking you if you could be possible
to come down to the Central State Prison in
macon, Georgia and to education them about
Deaf Culture, ADA laws, videophone via, Civil Rights,
etc. Because I just found out about other
deaf inmates who are here for long time that have
contact family & friends for many years. They

I'm very desperately need help for it.

I am requesting you if you could send me your newsletter Monthly for me, please? And Can you send or contact Jamaica Villages @ Georgia Council for a hearing impaired inc @ (770) 295-5312. please?

please write me back soon. I will be looking forward to hear from you.

Thank you,

GDC:

Friends and Allies:

We are in urgent need of your support and action!

HEARD's Deaf Prisoner Phone Justice Campaign needs a strong push from the Community to get us across the finish line. Please take a few seconds to sign your name to HEARD's Community Sign-On Letter. If you are a prisoner, please return the Community Sign On Letter with Printed Name, Signature, and ID Number of each prisoner who wishes to be added to the Sign On Letter. *(Return to HEARD by 12 Dec)*

We will deliver this letter with your signatures to the Federal Communications Commission on December 13, 2013, the deadline for comments on the FCC's Further Notice of Proposed Rule Making on Inmate Calling Services for the Deaf & Hard of Hearing Community.

For nearly a year, HEARD has lobbied the Federal Communication Commission to ensure that rates are reasonable & accessible. Right now, just a handful of prisons across the nation have videophones and many with TTY equipment block relay numbers or deny access to the equipment thus denying deaf, hard of hearing and deaf-blind prisoners from connecting to their loved ones. Please help us show the FCC that there is strong support for universal access to telecommunications for prisoners and their family members by taking a few seconds to add your name to this Community Sign-On Letter.

WANT TO DO MORE?

After you sign-on to the Community Letter, you can do the following:

1. Share the letter & video with your friends and loved ones so that they join the Campaign!
2. Visit HEARD's Facebook and Twitter pages and share this information from HEARD's pages. (please use Twitter hashtags #Deaf #PhoneJustice)
3. Submit your own comment to the FCC under proceeding number 12-375. You can submit comments to Marlene H. Dortch, Commission Secretary, Federal Communications Commission, Office of the Secretary, 445 12th Street, SW, Room TW-B204, Washington, DC 20554. The **deadline for comments is December 13th**.

We look forward to celebrating a victory with you soon. As always, we thank you for your continued support.

In solidarity and with much appreciation,

HEARD Board of Directors

Mary McBride # ~~712129~~ 712129 mm
In prg McBride



P.O. Box 1160
Washington, D.C. 20013
www.behearddc.org

 www.facebook.com/HEARDDC

 www.twitter.com/behearddc

Roni JACOBS
322040
R. JACOBS

Enclosures: Five (5) pages of the FCC's Further Notice of Proposed Rule Making (related to Deaf/HH)
HEARD Community Sign-On Letter

send this page only

Dear Talila Lewis

December 10, 2013

Hello!

I receive your letter last week, And I notice about deadline, oh darn that seen short and last min to prepare but I guess had to write anyway.

We are no longer used TTY, because we successful use Videophone, Oshkosh Correctional established/got Videophone on February 2013, Since all Deaf inmates in this Institution used V.P. is better than TTY, and more comfortable to communication better now, than HARD to express while on TTY!

In our Institution's policy is limit to 2 call per week for 1 Hour each. And must have phone call approve in the Visitor List. I can't call outside from visitor list. And still have make request to get appointment for use the Videophone, they not yet move V.P. to where we living in unit building, they told

us will move soon in 3-6 month, it never
come happen, it longer as we frustrate to
wait. They make us to keep make request
to be used.

I hope this will reaches you, below all
deaf inmates on our unit building are:

Jason A. Martin #327703

Michael L. Perry #118956

Ricky Myhre #113522

George Hindsley #397378

Mark Heimbruch #339750

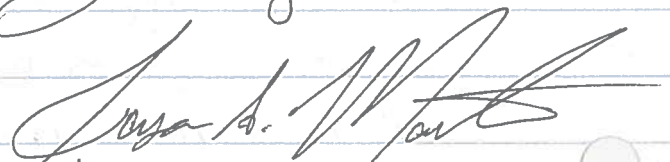
Steve Robelia #567802

Oshkosh Correctional Inst.

Po Box 3310

Oshkosh, WI 54903-3310

Sincerely



Jason A. Martin #
327703



Purple Communications, Inc.
595 Menlo Drive
Rocklin, CA 95765
Tel 800 900 9478

SUBJECT: White paper on Video and Text Relay Services for Deaf Inmates in Prisons and Jails

Purple Communications, Inc., based in Rocklin, California has provided Video Relay Services for the Virginia Department of Corrections (VDOC) Powhatan Correctional Center for several years. VDOC houses twelve deaf and hard of hearing inmates. Purple encourages other prisons and jails across the country to make their telecommunication system accessible for deaf and hard of hearing inmates, using the VDOC model.

Telephones in VDOC Prison:

Prisons and jails generally have a policy to record all conversations using a prison telephone to ensure their inmates do not make or receive any threats with anyone outside the prison. They utilize a recording bridge to record all conversations.

- A VDOC bridge to a voice recording server offers a 6-months storage capability.
- Any situations involving a voice telephone conversation are then recorded and available for immediate use by the VDOC (threats will extend inmate's time, etc.)
- Every inmate pays for using the prison telephone service, often handled by a third-party telephone company.

Deaf inmates who depend on sign language to make or receive calls or hard of hearing inmates who depend on text to make or receive calls- could not use the prison telephone system because it is voice-based.

Videos in VDOC Prison:

Videos first gained use in prisons as judges and doctors much prefer to use video conferencing to talk to or interview the inmates than to actually go to the prisons to conduct legal and medical activities in person. Safety is the primary concern of judges and doctors use of video communication.

- Prisons and jails across the country already have video equipment and service contracts in place to make video access possible; a likelihood of at least 80 percent.
- Videos make face to face interaction possible remotely.
- All judges and doctors video conversations are copied as well as telephone calls.
- A VDOC bridge to a video conferencing/bridge provider makes video conversations possible to copy with a video server with 6 months minimum storage capability

Hybrid Video and Text Relay Services in VDOC Prisons:

VDOC in response to a lawsuit by the deaf inmates- created a hybrid Video Relay Services where free FCC-provided Purple Video Relay Services are provided to deaf and hard of hearing inmates through:

- Purple VRS calls are recorded through VDOC video phones, teleconference bridges, and recording servers (and back up servers) purchased via a state contract with BT Conferencing (www.btconferencing.com).



Purple Communications, Inc.
595 Menlo Drive
Rocklin, CA 95765
Tel 800 900 9478

- Same teleconferencing service/contract as the judges and doctors and connected:
 - At Powhatan: 2 Polycom VSX3000 videophone units (videophone with voice) in a well-lighted secured room, with a desk and a chair.
 - At prison HQ: Bridge- Polycom RMX 4000, Gatekeeper –CMA 4000, recording server-RSS 4000, and back up recordings servers-two codian recording servers.
 - The secured bridge dials both the designated location at Powhatan (videophones/IP connection) and the Purple's IP address, and records the conference via Polycom RSS. This conference is named PVRs1, PVRs2, etc.
 - Similar setup is available for billable "emergency interpretation calls" (VRI) utilizing a directory entry on the videophones, allowing for emergency interpretation.

Prison caseworker pre-arrange all calls with deaf inmates on a monthly calendar and telephone numbers they are calling on the 20th of the month before the month they will be calling. This will help manage the telephone connections and privilege. The twelve inmates sign up for scheduled times during the day, and take turns on the videophones.

Recording a Video or Text Relay conversation in VDOC prison:

- Purple policy stresses that interpreters are prohibited from disclosing the content of any relayed conversation regardless of content, except as authorized by Section 705 of the Communications Act. Per FCC requirements, no Purple interpreter may record or keep the contents of communications handled.
- Purple VRS does not record or keep a copy of the actual VRS conversation as required by the Federal Communication Commission.
- Purple VRS gets reimbursed by the FCC for providing the free video or text relay services to deaf Americans.
- Since VDOC records all calls by every inmate for security purposes, VDOC can record any voice, text, or video calls. A video call can be a video phone to video phone call or to a hearing person through Purple VRS.
- Recording of video/VRS calls are kept for 6 months under VDOC's current recording servers. Recordings are only reviewed when requested by the facility. The specific date and time are retrieved and sent to the investigator onsite.

Technical possibilities allow for video communication use by deaf inmates:

- Simple, sleek design of VSX3000 videophone units is "minimal physical use" unit. Turn on, you see videophone. Turn off, you don't see videophone. Videophones use push-buttons where they are of little security issue at Powhatan.
- Scheduled calls allow VDOC to manage Powhatan's ability to provide videophones to a group of deaf inmates.
- Recorded calls allow for prisons control of all calls, and it also allows for deaf inmates to be able to use video/video relay calls and be recorded as well.
- External video, data, voice conferencing services and recording servers are possible options to support prison communication infrastructure, if it can't offer internal options.

Contact: paul.singleton@purple.us, 240-252-6759.